

#### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gerald Glanzman 25,035 on October 16, 2008.

The application has been amended as follows:

**IN THE CLAIMS:**

Please see attached claims.

2. The following is an examiner's statement of reasons for allowance: The prior art does not teach nor render obvious each and every claimed limitation. Specifically the prior art does not teach, in combination with the other recited claimed features, the addition of providing cluster data that identifies a plurality of node clusters, and showing a map of each node cluster of the plurality of node clusters that complies with the at least one performance rule for supporting the service and allocating service to one of the node cluster that complies with the at least one performance rule based on the map.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILIP J. CHEA whose telephone number is (571)272-3951. The examiner can normally be reached on M-F 6:30-4:00 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Philip J Chea  
Examiner  
Art Unit 2453

/Philip J Chea/  
Examiner, Art Unit 2453  
10/16/08

/ARIO ETIENNE/  
Supervisory Patent Examiner, Art Unit 2457

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1. (Currently amended) A method for allocating a service in a distributed data processing system, said method comprising:

collecting a set of performance data representative of a set of physical characteristics of the distributed data processing system to form a collection of a set of performance data;

providing, using said collection of a set of performance data, cluster data that identifies a plurality of node clusters in said distributed data processing system, wherein a node cluster comprises an aggregation of nodes;

correlating at least one property of each of the of the identified plurality of node clusters with at least one performance rule required for supporting the service to determine a compliance of each of the plurality of node clusters to the at least one performance rule for supporting the service;

showing each node cluster of the plurality of node clusters that complies with the at least one performance rule for supporting the service; and

allocating the service to one of the node clusters that complies with the at least one performance rule, wherein showing each node cluster of the plurality of node clusters that complies with the at least one performance rule for supporting the service, comprises showing a map of each node cluster of the plurality of node clusters that complies with the at least one performance rule for supporting the service, and wherein allocating the service to one of the node clusters that complies with the at least one performance rule comprises allocating the service to one of the node clusters that complies with the at least one performance rule based on the map.

2. (Canceled)

3. (Canceled)

4. (Previously presented) The method of claim 1, wherein the showing includes showing at least one server within a first node cluster of said plurality of node clusters that complies with the at least one performance rule for supporting the service.

5. (Original) The method of claim 4, further comprising:  
allocating the service to a first server of said at least one server

6. (Previously presented) The method of claim 1, wherein collecting the set of performance data representative of the set of physical characteristics of the distributed data processing system comprises probing the distributed data processing system for a round trip time.

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7. (Previously presented) The method of claim 1, wherein collecting the set of performance data representative of the set of physical characteristics of the distributed data processing system comprises probing the distributed data processing system for a hop count.

8. (Previously presented) The method of claim 1, wherein collecting the set of performance data representative of the set of physical characteristics of the distributed data processing system comprises probing the distributed data processing system for a bottleneck link speed.

9-21. (Canceled)

22. (Currently amended) A method for allocating a service in a distributed data processing system, the method comprising:

receiving logical data associated with a logical configuration of the distributed data processing system, the distributed data processing system including a plurality of clients and a plurality of servers, wherein the plurality of clients and the plurality of servers communicate over the distributed data processing system, and wherein each server of the plurality of servers provides at least one assigned service, and wherein the logical data includes data indicating interconnections of the distributed data processing system;

collecting performance data based on the logical data, the performance data being representative of at least one physical characteristic of the distributed data processing system to form collected performance data;

determining, using the collected performance data, cluster data that identifies each node cluster of a plurality of node clusters within the distributed data processing system;

correlating the determined cluster data with at least one performance rule for supporting the service;

showing each node cluster of the plurality of node clusters that complies with the at least one performance rule based on the correlation; and

allocating the service to a node cluster within the distributed data processing system based on the showing, wherein showing each node cluster of the plurality of node clusters that complies with the at least one performance rule based on the correlation comprises showing a map of each node cluster of the plurality of node clusters that complies with the at least one performance rule based on the correlation, and wherein allocating the service to a node cluster within the distributed data processing system based on the showing comprises allocating the service to the node cluster within the distributed data processing system that complies with the at least one performance rule based on the map.

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23. (Previously Presented) The method of claim 22 wherein the performance data includes round trip time, hop count and bottleneck speed.
24. (Previously Presented) The method of claim 22 wherein the cluster data is determined responsive to a self organizing feature map neural network output.
25. (Previously presented) The method of claim 22 further comprising issuing a probe from a module, wherein the logical data is received at the module responsive to issuing the probe, and wherein an engine correlates the determined cluster data with the at least one performance rule.
26. (Canceled)